

## Andrew Jackson to William Martin, December 4, 1813, from Correspondence of Andrew Jackson. Edited by John Spencer Bassett.

TO WILLIAM MARTIN.

Fort Strother, December 4, 1813

*Sir:* I have recd. by the hands of Major West your letter of this evening, and after carefully perusing it and giving it every consideration, in my power and looking forward to the 10th of the present month and viewing every disagreeable scene that it may afford proceed to give that calm deliberate answer it [deserves]. and first it is necessary and proper to view with serious deliberation, and particularly for those well to deliberate whose honor and lives may be at stake, on what grounds they claim their discharge on the 10th. instant. is it from any deceit practised on them by me. was not the law of my general order directed to be read and expounded to them before they enrolled themselves under the act of February the 6th. 1812. This my order will verify, and every general officer in my Division can vouch on this ground there is no complaint it is Tacitly acknowledged, that they are legally enrolled under the act of Congress. Thus being legally bound, have they legally performed the service under the law, agreeable to their undertaking.

The goverment made the call, it is well known that the 10th. of Decbr 1812, was the proudest day of my life, it was the proudest day for west Tennessee, her Patriot sons gave the lie direct to their slanderers (high in power) that it was a Tender on paper. We brave the Snowey Blasts and the dangers of the icy sea without murmur; did our duty and Established a fame by our proper conduct unvoiced in america, and much good was expected from our services. under this hope, the fatal order of Dismissal of the 16 of march I believe (for I write from memory) reached us. I say dismissal, for we were

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not discharged, but as you will recollect “dismissed from publick service” by the order and deprived of every description of publick property. contrary to the oppinion of many I hazarded a disobedience of that order it being so unjust and contrary to law not providing either for the payment of my Troops or their subsistance on their return march. I marched them to columbia, where it was thought advisable to dismiss your Regiment, and surely it cannot be forgotten by any member of the Regt. the sacred pledge of honor given by all, before I gave the certificate now calculated on as a discharge,<sup>1</sup> that in case we were called on by the goverment, that every officer and soldier would obey the call, as tho the said certificate of dismissal and faithfull service had never been given. I ask too, can it be forgotten, why I gave this certificate. I answer that it cannot be forgotten, that it was to entitle the Troops to all the emoluments under the law, under which they were engaged and if never again convened by the orders of the goverment to comply strictly with the seventh section of the law under which you were engaged, and that of the whole regiment, enclose you the section for your perusal, from which you will find, that when the proper authority discharged you, that it then required the certificate of your commanding officer to entitle them to the emoluments promised them under the law. The Volunteers being thus dismissed from publick service (not discharged, for I know it is not believed that I have any power to discharge) my first duty was to secure Justice to be done to those patriotts I had the honor to command, and who so nobly step forward to support the eagles of their country in a Just and necessary war, and to have them by legally authority absolved from their engagements, by a discharge. I appealed to the proper authority who ordered payment to be made to the officers and soldiers and the necessary return expence.

<sup>1</sup> This certificate, dated April, 1813, was in the following form: “I certify that A B enrolled himself as a volunteer under the Acts of Congress of Feb. 6th, and July 6th, eighteen hundred and twelve, and has served as such under my command, on a tour to the Natchez Country, from the tenth of December eighteen hundred and twelve, until the twentieth of April, eighteen hundred and thirteen, and is hereby discharged”. (Martin's *Self-Vindication*, p. 16). Martin introduces certificates from officers of the volunteers to show

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that on Nov. 18, 1813, Jackson was heard to say that he thought it just to discharge the volunteers on Dec. 10. *Ibid.*, p. 20.

on the subject of your discharge you have read the answer of the Secretary of War made thro the honourable George W. Campbell, and I have no doubt communicated it to your regt. I have taken pains to make it known to every branch of the volunteers. The answer was this, "that he the secretary of war, had no power to discharge them, and in his opinion the President of the united States had no power to discharge them untill the expiration of the period for which they were engaged." It will be well here to notice the original act, which provided that they should be liable to serve one year in two from the time of their engagement. from the act and the explanation of the secretary of war I always did infer that he the secretary at war meant that the President of the united States had no power to discharge us untill the expiration of the two years from the time we were enrolled, or on the expiration of twelve month service by us. as to your service can one of you with truth assert, that you have been in the service of the united states for one year since your enrollment. The answer is plain and every man can give it for himself. Hence it followed that I have never intimated to any branch of the volunteers that their time would expire on the 10th. instant, and as to my construction of the certificate I gave at Columbia my requiring a pledge of honor for future service if called on, and my order for treating all as deserters who did not appear agreeable to order at the place of rendezvous plainly shew.

Now as to the right upon which they claim their discharge—is it upon the words of the law. This requires twelve months service after the[y] arrive at the place of rendezvous unless sooner discharged. Who has the power to discharge. The President of the united States th[r]o his organ the secretary of war. has he the secretary of war announced the pleasure of the President that we are discharged he has not, but he did in a strange land distant from our country dismiss us from publick service. is there any man in the Volunteer corps that does believe that I have power to discharge them. I think I can answer for them that there is not. is there one of the corps that does believe that If I had the power, I would not immediately exercise it to save men who has done so much, has deserved

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so much, and acquired the full plaudits of their country and whom I love as a fond father loves his children from that eternal disgrace that will await them if they attempt to leave their standard. Unless by permission of the proper and legal authority. I do believe there is not one, and if there is, I give him a pledge of my honor, he is mistaken. I have pledged myself to act as a father to them. I know I have performed the task faithfully. it is not the duty of a father to deceive. This I have never attempted. Therefore not possessing the power to discharge, I have never yet promised a discharge on the 10th. of this instant. But I have pledged myself that if the governor would say to me, that the volunteers should be discharged on the 10th instant, that it would be the first pleasure of my life to announce it. on this subject I have wrote him and expect his answer hourly let it be what it may it shall be made known without delay. Nay more I have sent on to raise on my own responsibility Volunteers, can they be raised (of which I have no doubt) upon their reaching headquarters, and the Volunteers now in service will surrender their guns to the quarter master, for which they shall receive ten dollars each that I will receive them into service in Lieu of the present volunteers, or such part as wishes to abandon the service of the country and permit them to retire to their respective homes. This is all I can promise. This is all I have power to perform, and I never will deceive.

The 10th. day of next June is a positive day, if the volunteers continue in service. The law then will discharge them, their Genl will glory in having the pleasure to pronounce it either from the authority of the Governor Major Genl Pinckney who now commands or from the President of the united states or from the arival of the 10th. of June next. The honor of the volunteers has been the constant care, theme and pride of life it is so still, and I have a pleasing hope that they will nobly die before they will do an act, that will disgrace them. I have still a pleasing hope, when they reflect upon the rules and articles of war, they never will attempt an act of mutiny, or abandon the standards of their country without legal authority or discharge and subject themselves to be treated as desserters. Indeed I cannot permit myself to harbour a thought of the disgrace of the volunteers. What Those brave fellows who brave the snowey blasts, has so nobly fought and conquered ever to disgrace

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themselves by abandoning their Post without being discharged by the proper authority. I cannot, I will not believe it. But should I be disappointed, I have only to observe, that I will do my duty. I will quell mutiny and punish dessertion when and wheresoever it may be attempted. I shall always do my duty under every circumstance under which I may be placed.

I am sir verry respectfully yr mo ob servt